REMARKS

Claims 20-37 are currently pending.

By this amendment, Applicants amend claim 37 to correct a typographical error.

In the Office Action, the Examiner rejected claims 20-37 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2001/0001863 to <u>Shuster</u> and U.S. Patent No. 6,317,782 to Himmel et al. (<u>Himmel</u>). Applicants respectfully traverse this rejection.

At the outset, Applicants respectfully point out that the Examiner appears to be ignoring the express language of claim 1. Office Action, page 2. Applicants respectfully remind the Examiner that M.P.E.P. 2131 states "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

Claim 20 recites a combination including, among other things, "upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource at the server computer, the predetermined close instruction, when received, preventing the browser from using content in a cache at the client computer, such that the browser uses content from the server computer, the predetermined close instruction including a time-out period representative of an idle time associated with a lack of content page requests from the client computer to the server computer, the server computer de-allocating the resource when the idle time reaches the time-out period, wherein upon unloading includes at least one of a closing of the browser and a navigating away to another page presented at the browser."

The Examiner alleges that <u>Shuster</u> at paragraph 0034 discloses the above-noted features of claim 1. Office Action, page 2. Applicants disagree and submit that <u>Shuster</u> does

not teach what the Examiner alleges. Instead, <u>Shuster</u>'s paragraph 0034 merely teaches an

exit procedure for closing or disposing of computer resources. Specifically, <u>Shuster</u> states:

> [0034] In typical Internet and other network transactions, the HTML frame data (or data in other suitable formats) downloaded from the provider computer 14 to the user computer 12 is accompanied by further software, such as browser script, for interacting with browser functions at the user computer. Software features commonly included with such browser script include features for interacting with the browser software during an exit procedure, that is, when the user is exiting a web site or page. As part of the exit procedure, the browser and the browser script software interact in a manner, as well known in the art, such that the browser script receives exiting instructions from the browser to close or dispose of additional computer resources that may have been accessed, such as, memory, graphic images or connections to data bases. As described in more detail below, preferred embodiments of the present invention involve the inclusion of software routines, for example as part of (but not limited to) browser script, for controlling the user computer's access to further data (for example, further HTML files) during an exit procedure. In example embodiments as described in further detail below, the user is, in effect, directed to one or more web sites or pages dictated by the browser script (or other suitable software), instead of, or in addition to, the site or page specifically selected by the user when exiting from the displayed site or page.

<u>Shuster</u>, paragraph 0034. Moreover, <u>Shuster</u> also describes closing a frame upon exit.

Specifically, <u>Shuster</u> states:

> [0040] In one preferred embodiment, to access further (or previously accessed) content and, thus, exit the content currently being displayed, the user may select one of the browser functions (discussed below), as represented by block 42 in FIG. 3 . Thus, for instance, a user may select a Back function of the browser. In response to the executed browser function, for example, a Back function, the browser executes a closing routine to, in effect, close the presently displayed frame, to display a further frame. The closing routine involves a query to (or other suitable interaction with) the open frame set; that is, the browser queries (or otherwise interacts with) the software associated with the dominant frame (the hidden frame) and the content (or HTML) frame for any final instructions, as both of these frames are open in the browser at the time at which the user attempts to exit the content (or HTML) frame. As the hidden frame is the dominant frame, the browser queries (or otherwise interacts with) the hidden frame first. Upon query (or other interaction) by the browser prior to closing the frames, the software associated with the hidden frame executes in conjunction with the browser's frame-closing routine and interacts with the browser software, as represented by block 44 in FIG. 3 .

<u>Shuster</u>, paragraph 0040.

In view of the foregoing, the Examiner cannot dispute that Shuster's exit procedure lacks the features of the predetermined close instruction, much less that "the predetermined close instruction [is] received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource at the server computer." In addition, "predetermined close instruction, as recited in claim 20, includes the following features wholly absent in Shuster: "preventing the browser from using content in a cache at the client computer, such that the browser uses content from the server computer, the predetermined close instruction including a time-out period representative of an idle time associated with a lack of content page requests from the client computer to the server computer." Nor does Shuster disclose that the "predetermined close instruction [is] representative of a start of a communication session between the client computer and the server computer."

Shuster thus fails to disclose or suggest at least the following feature of claim 20: "upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource at the server computer, the predetermined close instruction, when received, preventing the browser from using content in a cache at the client computer, such that the browser uses content from the server computer, the predetermined close instruction including a time-out period representative of an idle time associated with a lack of content page requests from the client computer to the server computer, the server computer de-allocating the resource when the idle time reaches the time-out period, wherein upon unloading includes at least one of a closing of the browser and a navigating away to another page presented at the browser."

Moreover, although <u>Himmel</u> discloses detecting Internet ad viewing, <u>Himmel</u> fails to cure the noted deficiencies of <u>Shuster</u>. Therefore, claim 20 and claims 21-26, at least by reason of their dependency from independent claim 20, are allowable over <u>Shuster</u> and <u>Himmel</u>, whether those references are taken alone or in combination, and the rejection of claims 20-26 under 35 U.S.C. § 103(a) should be withdrawn.

Independent claims 27, 33, and 36-37, although of different scope, include features similar to those noted above for claim 20. For at least the reasons given above with respect to claim 20, claims 27, 33, and 36-37 are allowable over <u>Shuster</u> and <u>Himmel</u>, whether those references are taken alone or in combination, and the rejection under 35 U.S.C. §103(a) of claims 27, 33, and 36-37 as well as claims 28-32 and 34-35, at least by reason of their dependency from independent claims 27 and 33, should be withdrawn.
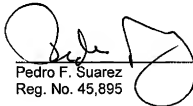
CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-040NATL/2000P00016WOUS01.

Respectfully submitted,

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